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#### RESPONSE TO REJECTIONS

**Claims 10, 32 - 34, 74, 81, 83 - 90, 95, 98 - 101  
113, 114, 119 - 129 and 130 - 140**

These claims were rejected on grounds of obviousness, based on Drummond.

#### General Response to All Rejections

##### POINT 1

In most, if not all, cases, the Office Action asserts that

- 1) Drummond shows part of a claim, but not some other part(s) and
- 2) those other part(s) are "obvious."

Applicant points out that this procedure is not allowed under section 103. Individual claim recitations cannot be "obvious."

Restated, the doctrine of obviousness is not a substitute for showing all elements of a claim in the prior art.

From another point of view: by law, only **claims** can be obvious. There is no legal standard for determining whether an individual claim element is obvious.

From yet another point of view, under section 103, the subject matter of a claim "as a whole" must be shown as obvious. An individual claim element does not qualify as the claim "as a whole."

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POINT 2

In some cases, the rationale for asserting that the claims are "obvious" is essentially the same as a goal set forth in the claims. (See, for example, claims 106 and 107, discussed below.)

Statements from Applicants' claims cannot be used as a rationale in an obviousness rejection.

Claim 10

Claim 10 states, speaking generally, that when a maintenance technician logs into his maintenance terminal, an intelligent agent is sent to another terminal, informing the other terminal about the technician so that the terminal can send a fault signal to the technician.

That has not been shown in the applied references. MPEP § 2143.03 states:

To establish prima facie obviousness . . . **all the claim limitations** must be taught or suggested by the prior art.

The Office Action asserts that Drummond shows storing a network address in the terminal, so that the terminal can send fault signals to that address. Applicant points out that this is insufficient to show the claim recitation in question.

The claim recitation states that **when** the technician logs in, his address is sent to the terminal. The claim recitation does not

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merely recite storage of the address in the terminal.

Claims 32, 33 125

The discussion of claim 10 applies to these claims.

Claims 34 and 129

Claim 34 states, speaking generally, that when the technician logs off, and thereby becomes unavailable, the terminal is notified of that fact.

The Office Action asserts that adding such operation to Drummond would be obvious.

POINT 1

Applicant points to MPEP § 2143.03, cited in connection with claim 10 above, which states that all claim elements must be shown in the prior art. The claim element in question must be shown in the prior art. That has not been done.

POINT 2

From another perspective, the Office Action asserts that the missing claim element is "obvious."

That is insufficient. Obviousness is not a tool for supplying elements missing from a reference. MPEP § 2143.03 requires that all claim elements be shown in the prior art.

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Further, by law, individual claim **elements** cannot be "obvious." Only claims **as-a-whole** can be "obvious." One reason is that no definition, or body of law, exists to determine whether a claim **element** is obvious. Only claims **as-a-whole** can be "obvious," and a body of law exists for determining whether obviousness exists.

This applies to claim 129

Claims 74, 81, and 83 - 85

Claim 74, speaking generally, states that service personnel are notified of a fault in a device, and the personnel determine whether they are responsible for fixing the fault.

That has not been shown in the references.

This applies to claim 81. In addition, claim 81 states that the personnel notify the device, if they decide to fix the device. That has not been shown in the references.

The above discussion applies to claims 83 - 85. In these claims, an intelligent agent notifies the personnel of the fault, and returns to the terminal, telling the terminal whether personnel have agreed to fix the fault.

That has not been shown in the references.

Claims 95 and 98 - 101, 110, 113

These claims contain recitations stating that the terminal

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signalling a fault is notified concerning the technicians which will fix it. That has not been shown in the references.

Claims 139 and 140

Claim 139 states that (1) an intelligent agent acquires a list of terminals to visit and (2) visits the terminals **in sequence** (ie, "successively").

That has not been shown in Drummond.

This applies to claim 140.

Claims 32, 33, 123, 124, 126, 127 and 132 - 135

Claim 32 states that **when** a technician logs in, a message containing the technician's address is sent. That has not been shown in the references.

Claim 123 states that **when** a terminal logs on, the terminal is told a technician's address. That has not been shown in the references. This applies to claims 124, 126, 127, and 132 - 135.

Claim 86

The Office Action (Page 17) admits that a certain claim recitation is absent from the applied reference, Drummond.

Reliance on "obviousness" cannot cure that absence. All claim recitations must be shown in Drummond.

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Claims 87 - 90

These claims state that a malfunctioning terminal transmits an intelligent agent, which visits the terminals of maintenance technicians in succession. (One purpose of the successive visits is to find the appropriate technician.)

That has not been shown in the applied reference. Reliance on "obviousness" cannot cure this defect.

Claims 106 and 107

Claim 106 states that the terminal which is repaired is notified **by a network communication** of the repair. That has not been shown in the references. "Obviousness" cannot be used to cure this absence. All claim limitations must be shown in the prior art.

Further, no valid teaching has been given for adding such an element to Drummond. The rationale given is that the notification "allows the . . . terminal . . . [to be] updated and . . . ready for the next transaction." (Office Action, page 18.)

However, that rationale is essentially the same as the purpose stated in claim 106, which is that the notification "allow[s] updating of a terminal element error condition registry."

The teaching for combining references must be found in the prior art, or in the knowledge of one skilled in the art. The teaching cannot be taken from Applicant's claims.

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Given the similarity between the teaching given and Applicant's claim, a reasonable inference exists that Applicant's own disclosure is being used as a teaching for combining references. Applicant submits that, under the circumstances, an independent source of the teaching must be given.

This applies to claim 107.

Claims 108, 109, and 114

Claims 108 and 109 state that a second intelligent agent is launched, if a first does not perform certain actions in a specified time.

That has not been shown in the references. "Obviousness" cannot cure this defect. All claim recitations must be shown in the prior art.

Claim 114 states that a terminal, which issues a fault signal, reports to a central server if a technician does not fix the fault in a specified period of time.

That has not been shown in the references, nor has the Office Action asserted that this recitation is present in the references. All claim recitations must be shown in the prior art.

Claims 119, 120, and 121

These claims, speaking generally, state that "predictions" are used to determine servicing requirements.

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The Office Action admits that the "predictions" are absent from Drummond.

"Obviousness" is not a cure for that absence. All claim elements must be shown in the prior art.

Claims 128 and 131

The Office Action (page 19) asserts that a certain claim element is absent from the reference, but does not show that element elsewhere in the prior art.

All claim elements must be shown in the prior art. "Obviousness" is not a cure for the absence of a claim element.

Claim 136

Claim 136 states that an intelligent agent successively notifies terminals when the service technicians available change. The Office Action (page 20) does not assert that Drummond shows that. Thus, this claim element has not been shown in the prior art.

In addition, the Office Action admits that a certain claimed launching of an intelligent agent is not found in Drummond. However, all claim recitations must be shown in the prior art. "Obviousness" is not a cure for the absence of claim recitations in the prior art.

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Claim 137

The Office Action (page 21) asserts that a certain claim element is absent from the reference, but does not show that element elsewhere in the prior art.

All claim elements must be shown in the prior art. "Obviousness" is not a cure for the absence of a claim element.

**Claims 11, 12, 102 - 105, 111, and 112**

These claims were rejected as obvious, based on Drummond and Lesaint.

Claim 11

Even if the references are combined, claim 11 is not attained.

Lesaint states that the **ranking** as to priority is done by scheduler 30. (Column 13, line 10 et seq.) However, that scheduler 30 is part of computer X in his Figure 1. That computer X schedules "tasks" J1, J2, etc., which are transmitted to technicians T1, T2, etc., over hand-held computers H1, H2, etc. (Column 6, lines 53 - 63, et seq.)

Claim 11, when read with parent claim 10, states that the **terminal** (which experiences the malfunction which the technician is to fix) performs the ranking. That is, the terminal receives the "information about the maintainer"/"maintainer information." That terminal makes the request for maintenance. Under claim 11,

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that request is sent to the maintainer having highest priority.

Thus, a different party in Lesaint performs the ranking, compared with claim 11. Even if the references are combined, claim 11 is not attained.

This applies to claim 12.

#### Claim 111

Claim 111 states that the priority ranking is done by an intelligent agent which arrives at the terminal to be serviced. That has not been shown in the references. All claim recitations must be found in the references.

This applies to claim 112. Further, claim 112 recites a second intelligent agent, which is used if maintenance is not done within a specified time after launch of the first intelligent agent. That has not been shown in the references.

Further still, claim 112 states that order of servicing the terminals, as specified by the second intelligent agent, is **different** from that of the first. That has not been shown in the references.

#### Claims 102 - 105

These claims state that a "servicing person's estimate" of the time when the servicing person expects to service the malfunctioning terminal is sent to a central server.

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The Office Action relies on a scheduling process in Lesaint to show that. However, no "servicing person's estimate" is shown in Lesaint. Further, the transmission of the "estimate" of the claims, which transmission is to a central server, is not shown in Lesaint.

**Response to Claim Objections as to Duplication**

Claims 16 and 104 have been cancelled.

Claims 89 and 90 recite different time limits. The claims are not duplicates.

Claim 123 states that notification is done. Claim 124 states that notification is done by an intelligent agent. The claims are not duplicates.

Claim 132 recited notification of terminals. Claim 133 states that the terminals are notified successively. The claims are not duplicates.

Claim 134 recited notification of terminals. Claim 135 states that the terminals are notified successively. The claims are not duplicates.

As to "the servicing person's terminal" in claim 136, Applicant points out that the antecedent basis is "in which when a servicing person's terminal logs onto or off of the network."

**Added Claims**

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Claims 148 - 156 state that the agent (1) visits the ATMs **in the sequence** on the list and (2) returns to the server. Applicant cannot locate that operation in the applied references. This applies to claims 162 - 170.

Claims 157 - 161 state that three agents perform three different functions, but that all agents are organized according to the same format. Applicant cannot locate that operation in the applied references. This applies to claims 171 - 175.

Claims 176 and 177 state that two types of agent travel from the server to the ATMs, and a third type of agent travels from the ATMs to the server. Applicant cannot locate that operation in the applied references.

Claims 178 and 179 state that the agent returns to a server after performing functions. Applicant cannot locate that operation in the applied references.

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**Conclusion**

Applicant requests that the rejections to the claims be reconsidered and withdrawn.

Applicant expresses thanks to the Examiner for the careful consideration given to this case.

Respectfully submitted,

  
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